

Message Text

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ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: EAIR JA

SUBJECT: CIVAIR: TIA CHARTER PROBLEM

REF: (A) STATE 176796 (B) STATE 178386

1. PER INSTRUCTIONS REFTELS, ECON COUNS AND EMBOFF CALLED ON JCAB DEP DIR GEN YAMAJI TO PROTEST TURNDOWN OF JULY 26 AND JULY 27 TIA CHARTERS (TIA NOTIFIED US ON JULY 16 OF TURNDOWN OF PROPOSED JULY 27 FREIGHT CHARTER) AND TO ASK JCAB TO RECONSIDER. ECON COUNS WAS ABLE TO DRAW ON REF (B) WHICH ARRIVED SHORTLY BEFORE PREVIOUSLY ARRANGED APPOINTMENT WITH YAMAJI. WE SAID THAT, WHILE WE ARE AWARE OF TIGHT TIME SLOTS AND PARKING SITUATION AT HANEDA, THE USG IS SERIOUSLY CONCERNED THAT THE GOJ IS DISCRIMINATING IN FAVOR OF SCHEDULED CARRIER OPERATIONS AND CHARTERS AND AGAINST SUPPLEMENTALS. ECON COUNS POINTED OUT THAT SUPPLEMENTALS HAVE USED ONLY FIVE OF SEVENTY QUOTA ALLOCATION. HE ALSO SAID THAT U.S. LAW REQUIRES USG AGENCIES TO TAKE APPROPRIATE ACTION TO ELIMINATE ALL FORMS OF DISCRIMINATION OR UNFAIR COMPETITIVE PRACTICES.

2. IN REPLY, YAMAJI STATED THAT, ALTHOUGH THE USG MUST ACCORD EQUAL TREATMENT TO SCHEDULED AND UNSCHEDULED CARRIERS, THE GOJ IS BOUND BY NO SIMILAR DOMESTIC LAW, NOR IS SUBJECT COVERED BY THE BILATERAL CIVAIR AGREEMENT. YAMAJI IMPLIED THAT GOJ MAY FAVOR SCHEDULED CARRIERS IF CURCUMSTANCES FORCE A CHOICE. THE TURNDOWN

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IN THIS INSTANCE WAS BECAUSE THERE WERE NOT ENOUGH TIME

SLOTS TO GO AROUND. THE SUPPLEMENTAL ISSUE WOULD OBVIOUSLY HAVE TO BE DISCUSSED FURTHER AT THE FORMAL TALKS, HE SAID.

3. WE REITERATED THE SERIOUS CONCERN OF THE USG AND ASKED YAMAJI TO PROVIDE FULL DETAILS ON WHY TIA COULD NOT BE ALLOTTED LANDING SLOTS. HE SAID HE WOULD PREPARE A COMPLETE DESCRIPTION OF THE SITUATION WHICH EMBASSY WILL TRANSMIT AS SOON AS RECEIVED.

4. COMMENT: WE HAVE SUSPECTED THAT JCAB REFUSAL OF SUPPLEMENTAL CARRIER APPLICATIONS IS A DELIBERATE TACTIC TO INFLUENCE THE NEGOTIATIONS OF THE NEW CIVAIR AGREEMENT, BUT SO FAR YAMAJI HAS OUTWARDLY TREATED IT AS A SEPARATE ISSUE. WE DO BELIEVE, HOWEVER, THAT THE GOJ FEELS ITSELF UNDER NO OBLIGATION "TO MAKE ROOM FOR" THE SUPPLEMENTALS (THE QUOTA, THEY HAVE STATED REPEATEDLY, HAS ALWAYS BEEN SUBJECT TO "ACTUAL OPERATING CONDITIONS AT THE AIRPORTS"), AND ARE UNWILLING TO CONCEDE A POSSIBLE USEFUL BARGAINING POINT.
SHOESMITH

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